

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DOC #:
DATE FILED: 9/30/2021

JEFFREY HANDY,

Plaintiff,

-against-

CITY OF NEW YORK and CORRECTIONAL
OFFICER DAVID ALVARADO,

Defendants.

1:19-cv-03885 (MKV) (OTW)

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

MARY KAY VYSKOCIL, United States District Judge:

Pro se plaintiff Jeffrey Handy brought this action asserting claims under 42 U.S.C. § 1983 against the City of New York and New York City Department of Correction Officer David Alvarado. Mr. Handy, who was incarcerated at the Vernon C. Bain Center on Rikers Island when the events giving rise to this case occurred, seeks damages for injuries allegedly suffered when C.O. Alvarado sprayed a chemical agent into a room where other inmates were fighting and where Mr. Handy was standing. Defendants moved for summary judgment on all of Plaintiff's claims. Plaintiff did not oppose the motion.

In a Report and Recommendation dated August 27, 2021, Magistrate Judge Ona T. Wang recommended that I grant Defendants' motion [ECF No. 74 at 18]. In her Report and Recommendation, which was mailed to Plaintiff by the Clerk of Court on the same day it was entered, Magistrate Judge Wang warned the parties that that failure to object to the Report and Recommendation within fourteen days would constitute waiver of any objections and would preclude appellate review [ECF No. 74 at 18]. No party timely filed any objections Magistrate Judge Wang's opinion. And, the Court has not received any untimely objections as of the date of this order.

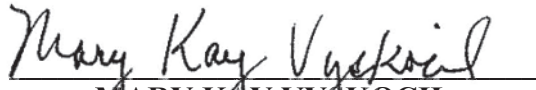
A court “may accept, reject, or modify, in whole or in part, the findings or recommendations” set forth in a Magistrate Judge’s report. 28 U.S.C. § 636(b)(1)(C). The Court reviews a report and recommendation to which no objections are filed for clear error. *See Edwards v. Fischer*, 414 F. Supp. 2d 342, 346-47 (S.D.N.Y. 2006). The Court finds that the reasoning and conclusions of Magistrate Judge Wang’s Report and Recommendation are sound and well-reasoned, and therefore the Court adopts them. Accordingly, Defendants’ motion for summary judgment is GRANTED.

The Clerk of Court respectfully is requested to close the motion at ECF No. 57, to enter judgment for Defendants, and to close the case.

The Clerk of Court also is requested to mail a copy of this order to Plaintiff.

SO ORDERED.

Date: September 29, 2021
New York, NY



MARY KAY VYSKOCIL
United States District Judge